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March 3, 2017

Honorable Noel L. Hillman, U.S.M.J.
Mitchell H. Cohen Building and U.S. Courthouse
4th and Cooper Streets
Camden, New Jersey 08101
Sent Via Email Only

RE: USA v. KWASNIK et al
Case Number: 1:17-cr-00052-NLH

Dear Judge Hillman:

As you are aware this office represents Mr. Michael Kwasnik, one (1) of the Defendants in the above captioned matter. Mr. Kwasnik has requested that I bring to your attention a possible conflict and basis for a recusal in same matter. It seems that in the case of Westdale Construction v. Liberty State Financial et. al, Civil Action Number: 09-2973 (NLH) a finding was made by Your Honor as follows: On page eighty-one (81) ***"that there is substantial evidence of potential fraud here. Violation of State or Federal Law, criminal law"*** and on page eighty-six (86) Your Honor referred the actions of my client and his Co-Defendant, William Kwasnik to the United States Attorney's Office.

This referral is the basis of the current Indictment at bar. I am enclosing for Your Honor relevant copies of the transcript from said Hearing which was heard on March 17, 2010. I am sure we could address these issues more fully at the Status Conference on Monday, March 6, 2017. Thaking you for your attention and courtesies herein.

Very truly yours,

Richard F. Klineburger, III

RICHARD F. KLINEBURGER, III

RFK/klc

cc: Sarah Wolfe (*Via Email*)
Daniella Gordon, Esquire (*Via Email*)
Michael Kwasnik (*Via Email*)